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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 September 1991, at 3 p.m.

Temporary Chairman: Mr. HOUSHMAND (Representative of the the Secretary-General)

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.15 p.m.

ELECTION OF THE CHAIRMAN OF THE COMMITTEE (item 2 of the provisional agenda)

1. Mr. HAMMARBERG proposed that Mrs. Badran should be elected to the office of Chairman: that proposal was supported by all other members of the Committee present at the meeting. After an exchange of views, the experts had recognized that, in addition to her well-known professional expertise, Mrs. Badran was conversant with the whole range of issues the Committee was due to consider; she had represented a number of bodies vis-à-vis the international community and was in a position to ensure liaison between the Committee and the secretariat.

2. The TEMPORARY CHAIRMAN noted that no other member of the Committee wished to make comments at that stage or to propose another candidate.

3. Mrs. BADRAN was elected Chairman by acclamation and took the Chair.

4. The CHAIRMAN thanked the participants for the confidence they had shown in her and promised that she would do her best to rise to the challenge facing her.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CRC/C/1)

5. The CHAIRMAN said that, that if she heard no objection, she would take it that the provisional agenda contained in document CRC/C/1 was adopted.

6. It was so decided.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (CRC/C/L.1)

7. The CHAIRMAN invited the members of the Committee to consider the draft provisional rules of procedure submitted by the Secretary-General in document CRC/C/L.1.

8. Mgr. BAMBAREN GASTELUMENDI said that he had received the Spanish version of the document under consideration only that morning, at the Committee's first meeting, and requested that its consideration should be deferred to enable him to read it before it was discussed.

9. Mr. HAMMARBERG pointed out that the Committee could not pursue its consideration of the items on its agenda until it had adopted measures appropriate to the work to be done under each item. It was important for all participants to have time to study the draft provisional rules of procedure in their working languages and to be aware of what was involved before taking a binding decision on any of the rules. Perhaps the representative of the Secretary-General could propose a solution that would enable the Committee to make progress in its work at the present stage.

10. Mr. HOUSHMAND (Representative of the Secretary-General) said that, instead of taking up the draft provisional rules of procedure in numerical order, the Committee might begin by discussing and adopting the rules that would enable it to consider agenda items 5 and 6, namely, rule 15 on the solemn declaration by the members of the Committee, and rule 16 on the election of officers.

11. The CHAIRMAN said that suggestion appeared to meet with the participants' approval.

Rule 15

12. Rule 15 was adopted.

Rule 16

13. Mrs. EUFEMIO proposed that the following words should be added to the text of the rule: "with due regard for equitable geographical distribution".

14. Mr. MOMBESHORA said that the participants had followed that principle in selecting candidates to serve as members of the Bureau and questioned whether that rule of conduct had to be explicitly stated in the rules of procedure.

15. The CHAIRMAN confirmed that that was precisely the question on which the Committee had to take a decision.

16. Mr. HAMMARBERG said that the purpose of a body's rules of procedure was to enable it to carry out the tasks entrusted to it and that the detailed organization of its work must be avoided in order to give it some freedom of action. At some point, for example, the Committee might have strong reasons for choosing two persons from the same geographical region as members of the Bureau. The shape of the regions of the world was changing: the two traditional regions in Europe were disappearing and would probably eventually become a single entity. He would prefer the provisions of rule 16 to remain unchanged, on the understanding that, in practice, the Committee would follow the principle of the equitable geographical distribution of offices without being systematically obliged to do so.

17. Mrs. SANTOS PAIS said that she fully agreed with the comments made by Mr. Hammarberg on that point. The need to ensure equitable geographical distribution was not the only principle relating to the Committee's composition embodied in article 43 of the Convention, which also referred to the "principal legal systems". In fairness, all of the criteria that were to govern the choice of candidates must be enunciated or else none should be. She thought it would be wiser to retain the text of rule 16 as it stood.

18. Mrs. EUFEMIO withdrew her proposal.

19. Article 16 was adopted.

SOLEMN DECLARATION BY THE MEMBERS OF THE COMMITTEE (agenda item 5)

20. The CHAIRMAN said that, in accordance with rule 15 of the draft provisional rules of procedure, upon assuming his or her duties, each member of the Committee had to make the following solemn declaration in open Committee: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously". She made the solemn declaration, and invited each member present to do the same.

21. Mgr. BAMBAREN GASTELUMENDI, Mrs. BELEMBAOGO, Mrs. EUFEMIO, Mr. HAMMARBERG, Mr. KOLOSOV, Miss MASON, Mr. MOMBESHORA and Mrs. SANTOS PAIS made the solemn declaration provided for in rule 15.

ELECTION OF THE OTHER OFFICERS OF THE COMMITTEE (agenda item 6)

22. The CHAIRMAN, referring to rule 16 of the draft provisional rules of procedure, invited the Committee to elect three vice-chairmen and a rapporteur.

23. Mr. HAMMARBERG said that following consultations, the participants had agreed to nominate Mgr. Bambaren Gastelumendi, Mrs. Eufemio and Mr. Kolosov for the three offices of vice-chairman.

24. Mgr. Bambaren Gastelumendi, Mrs. Eufemio and Mr. Kolosov were elected Vice-Chairmen.

25. Mr. HAMMARBERG said that the participants unanimously agreed that Mrs. Santos Pais should be elected to the office of rapporteur.

26. Mrs. Santos Pais was elected Rapporteur.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (continued) (CRC/C/L.1)

27. The CHAIRMAN asked the members of the Committee whether they wished to resume consideration of the draft provisional rules of procedure at the current meeting in order to adopt the rules that did not require more detailed consideration or whether they would prefer to defer consideration of the rules.

28. Mrs. SANTOS PAIS said she believed that each member should have enough time to get an overall idea of the draft rules of procedure before deciding which ones could be adopted immediately and which required more thorough consideration. Perhaps the meeting could be suspended for a short period.

29. Mr. MOMBESHORA suggested that the Committee should consult the members who had not received the documentation in their working languages before the beginning of the session.

30. Mgr. BAMBAREN GASTELUMENDI said he could agree that the meeting should be suspended for one hour, following which the members of the Committee would resume their consideration of the draft provisional rules of procedure.

31. Mrs. BELEMBAOGO said that she was one of the members who had not received the draft rules of procedure in her working language before the Committee's session and did not think that, without having had time to study them, she could state her considered opinion. If the meeting was suspended for an hour, she wished to know whether the Committee would then consider some draft rules separately or whether it would resume its consideration rule by rule?

32. Mr. KOLOSOV said that he could agree to either of the solutions proposed by the Chairman. If the Committee decided to resume its consideration of the draft rules of procedure rule by rule and paragraph by paragraph at the current meeting, there was, in his opinion, nothing to prevent the members from reserving the right to come back to certain provisions in the light of rules adopted later, prior to taking a decision on the rules as a whole.

33. The CHAIRMAN, noting that Mgr. Bambaren Gastelumendi had said he was prepared to resume consideration of the draft rules of procedure as a whole after a one-hour suspension, suggested that the members of the Committee should proceed in that way and consider the draft rule by rule and paragraph by paragraph without going back to rules already adopted.

34. Mgr. BAMBAREN GASTELUMENDI said that he supported that suggestion.

35. The Chairman's suggestion was adopted.

The meeting was suspended at 3.45 p.m. and resumed at 4.45 p.m.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (continued) (CRC/C/L.1)

36. The CHAIRMAN, after having read out a letter from Mrs. Borges de Omena who was unable to attend the current meeting for personal reasons, proposed that the Committee should provisionally adopt its rules of procedure.

Rule 1

37. Mrs. SANTOS PAIS stressed the fact that the Committee had a special role to play, particularly in making international public opinion aware of the rights of the child, and said that that active role must be clearly stated in the rules of procedure. To that end, she proposed that the word "satisfactory" should be replaced by the word "effective".

38. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt rule 1 as orally amended.

39. Rule 1, as amended, was adopted.

Rule 2

40. Mr. HAMMARBERG said that rule 2 was of crucial importance. In his view, one regular session a year would not be enough for the Committee to adopt a steady pace of work enabling it to carry out the heavy task expected of it. Two sessions a year would seem to be the minimum.

41. Mr. MOMBESHORA said that he supported Mr. Hammarberg's proposal and pointed out that, as there had been a large number of ratifications of the Convention, the Committee must expect to have an equally large number of reports submitted to it.

42. Mrs. SANTOS PAIS said that, although article 43, paragraph 10, of the Convention stated that "The Committee shall normally meet annually", it did not prevent it from meeting more frequently.

43. Mrs. BELEMBAOGO said that she endorsed the previous speakers' proposals, which were all the more justified in that several countries were in the process of establishing national programmes for the benefit of children and the Committee also had the task of promoting the Convention.

44. Mr. KOLOSOV said that 57 national reports were expected during the coming year; if 38 were to be submitted before the next session, the remaining 19 would be submitted only after 20 October and could be considered only the following year if the Committee held a single annual session.

45. Mr. HOUSHMAND (Representative of the Secretary-General) said that, in preparing the draft rules of procedure, the secretariat had followed the provisions of the Convention and, in respect of the periodicity of sessions, had taken account of article 43, paragraph 10. According to that paragraph, the duration of meetings could be determined and reviewed by a meeting of the States parties, subject to the approval of the General Assembly. The secretariat was not unaware that one annual session might not be enough. During the current biennium, the holding of an additional session would require a decision of the General Assembly, which was the only body authorized to make additional resources available.

46. Miss MASON said that one annual session would not be enough for the consideration of the 22 reports expected by 1 September 1992.

47. Mr. HAMMARBERG thanked the representative of the Secretary-General for his explanation and said that the Committee must make those responsible for the budget understand that it had an enourmous workload, precisely because of the success of the Convention, which had been ratified by so many States in so short a time.

48. Mrs. EUFEMIO asked whether rule 2 might not be considered as being counter-balanced by rule 3, which provided that an unlimited number of special sessions might be convened by decision of the Committee.

49. Mr. HOUSHMAND (Representative of the Secretary-General) pointed out that the rules of procedure of all treaty bodies contained a rule similar to rule 3, but such provisions were not usually invoked, except in the extremely rare emergency cases that might arise. Special sessions were financed by a special fund, subject to the approval of the General Assembly.

50. Mgr. BAMBAREN GASTELUMENDI said he was also of the opinion that the Committee should be able to hold more than one annual session. It would be advisable to establish a body having moral authority which could be exercised, as circumstances often required, between sessions.

51. Mrs. SANTOS PAIS asked whether two annual two-week sessions would be much more expensive than one three-week session and whether there was some way other than its report, which was, according to its mandate, to be submitted only every two years, by which the Committee could make the General Assembly aware, if necessary, that it expected its task to be more than it could handle.

52. Mr. HOUSHMAND (Representative of the Secretary-General) said that the cost difference between two two-week sessions and one three-week session was probably very small. He recalled that, at their first meeting, the States parties had decided that the Committee's first session would last two weeks or, if necessary, three. The Committee could, moreover, submit recommendations directly to the General Assembly or to the States parties, whenever it wished, in addition to its reports to the General Assembly.

53. The CHAIRMAN suggested that the wording of rule 2, paragraph 1, should be amended to indicate that the Committee should normally hold two sessions each year.

54. Mr. HAMMARBERG proposed that it should be specified that the Committee should normally hold two regular sessions each year.

55. Mr. KOLOSOV proposed that rule 2, paragraph 1, should be deleted and that the beginning of paragraph 2 should be amended to read: "1. Regular sessions of the Committee shall be convened at least annually at dates decided by the Committee ...".

56. Mr. HAMMARBERG stressed that the periodicity of the Committee's annual sessions had to be clearly indicated.

57. The CHAIRMAN proposed that rule 2, paragraph 1, should read: "1. The Committee shall normally hold two regular sessions each year".

58. It was so decided.

59. Rule 2, as amended, was adopted.

Rule 3

Rule 3, paragraph 1

60. Mr. MOMBESHORA requested clarification on how special sessions of the Committee were to be convened.

61. Mr. HOUSHMAND (Representative of the Secretary-General) said that such a provision had so far never been applied by the United Nations treaty bodies. However, the rule was that, if a State party had a valid reason to request

that a special session should be convened between two regular sessions of the Committee concerned, it should transmit its request to the secretariat, which would immediately inform the Chairman of the Committee, who had the possibility of consulting other members of the Bureau. In practice, such a procedure should not give rise to any problems.

62. Miss MASON proposed that the first sentence of rule 3 should be deleted because it was superfluous.

63. Mr. HOUSHMAND (Representative of the Secretary-General) said that the sentence should be retained because it contained an important qualification. If the Committee received a request for the convening of a special session when it was already in session, it would take a decision on the matter in consultation, if necessary, with the State party concerned. However, if the request was made during the period between regular sessions, the decision whether or not a special session should be convened was left to the discretion of the Chairman, who would take a decision in consultation with the members of the Bureau.

64. Paragraph 1 of rule 3 was adopted.

Rule 3, paragraph 2

65. Mr. MOMBESHORA asked what was meant by the words "other officers of the Committee".

66. The CHAIRMAN said that they meant the vice-chairmen and the rapporteur.

67. Mr. KOLOSOV asked how special sessions of the Committee would be financed.

68. Mr. HOUSHMAND (Representative of the Secretary-General) said that special sessions were rare events for which resources might be made available on an exceptional basis subject to the agreement of the General Assembly or taken for that purpose from other budgets with the agreement of the Controller of the United Nations.

69. Paragraph 2 of rule 3 was adopted.

70. Rule 3 was adopted.

Rule 4

71. Mrs. SANTOS PAIS said that it was stated in article 43, paragraph 10, of the Convention that "The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee" and that rule 4 of the draft rules of procedure stated that "Sessions of the Committee shall normally be held at the Headquarters of the United Nations". She asked whether the difference in wording meant that there was a hierarchy in respect of places where sessions were to be held. The Committee might also wish to consider holding special sessions in other places. According to what criteria would the place of such sessions be chosen?

72. Mr. HOUSHMAND (Representative of the Secretary-General) said it was clearly stated in article 43, paragraph 10, of the Convention that United Nations Headquarters was on an equal footing with any other meeting place. In practice, however, regular sessions of committees which could be held at United Nations Headquarters were financed by the United Nations regular budget, whereas the holding of a session in another place involved additional resources. As defined by the General Assembly, moreover, "United Nations Headquarters" was the place where the secretariat of the committee or commission in question was located. In the present case, Geneva, and not New York, would be the place where sessions of the Committee would normally be held.

73. Mr. MOMBESHORA said that it would be useful if the Committee occasionally held sessions in places other than United Nations Headquarters in order to make its work more widely known. That would also give its members an opportunity to familiarize themselves with problems in different parts of the world.

74. Rule 4 was adopted.

Rule 5

75. Mrs. BELEMBAOGO drew the attention of the secretariat to the amount of time it took mail to reach some parts of the world. It was therefore important that the notification sent by the Secretary-General should reach the addressee in time to allow the latter to make the necessary travel arrangements.

76. Mr. HOUSHMAND (Representative of the Secretary-General) said that, in the case of the Committee's regular sessions, the members would know their travel dates at least one year in advance. Official notification was sent by the secretariat so that it would reach the members of the Committee at least six weeks before the scheduled date, and that should give them ample time to make the necessary arrangements. In the case of special sessions, the secretariat would use the fastest means of communication (telegram, fax, telex or telephone) in order to give members time to get ready.

The meeting rose at 6 p.m.